

IN THE MATTER OF The Public Order Emergency Commission
Established by Order in Council 2022-0392 under the *Inquiries Act*, RSC 1985, c I-11
The Honourable Paul S. Rouleau, Commissioner

AFFIDAVIT OF AARON BERNARD

I, Aaron Bernard, of the City of Toronto, in the Province of Ontario **AFFIRM THAT:**

1. I am Co-Founder and Creative Director of Spatial Media, and as such I have personal knowledge of the facts and matters hereinafter deposed to, save and except for information imparted to me by other people, in which case, I believe the source of the information to be reliable and the information to be true.
2. Spatial Media is a for-profit business providing interactive engagement tools to clients wishing to communicate and engage more effectively with their stakeholders. One of Spatial Media engagement tool is the interactive map, which can show the impact of a project on a community. It is used for a wide-ranging variety of projects, such as road upgrades, building construction, or urban design. This tool can show real or planned noise, air quality and vibration impact, for instance.
3. As Creative Director of Spatial Media:
 - a. I guide Spatial Media clients with their specific creative needs and provide design direction;
 - b. I analyze, organize and build data to visually communicate solutions to clients and their stakeholders; and

- c. I managed over 300 multimedia productions including the largest infrastructure (road, rail and airport) projects across Australia and Canada.
4. I have been Creative Director of Spatial Media since April 2014 and have worked in computer visualizations for the last 20 years. My work includes taking complex raw engineering data (sound data, noise footprints, construction and design drawings) and making that data accessible to the general public via interactive mapping, video and virtual reality tools. Attached hereto as Exhibit “A” to this Affidavit is a copy of my curriculum vitae.
5. On or around 31 January 2022, after learning of the Freedom Convoy (the “**Convoy**”) and its impact on the residents of the City of Ottawa through the media and our Ottawa based business development partners Temple Scott and Associates, I decided to create an interactive map of the Convoy’s impact on residents using Spatial Media’s tools. On that same day, I started working with my team to complete this project.
6. Between January 29, 2022 and February 4, 2022, (the “**Period**”) 2 members: Phil James and Harry Gulioen of my team collected noise readings of the Convoy trucks and air horns across Gatineau and Ottawa.
7. Phil James and Harry Gulioen have been working at Spatial Media for 2 and 3 years, respectively. They have interpreted noise data for multiple projects in the past.
8. To collect noise data in Ottawa, Phil James and Harry Gulioen were using the NIOSH sound level Meter App a tool that we typically use in all our noise data collection projects. Phil James and Harry Gulioen were then recording collected data in a data compiling software. The app provides the most relevant metrics found in professional sound instruments today and using the levels captured and various locations throughout the convoy area, we are able to extrapolate the sound levels between the points. Using visualization tools QGIS we were able to show in the map the noise contour around downtown abstracted by time (day/night, week 1/week 2). The noise data collected by Phil James and Harry Gulioen during the Period is accurate and reliable. Attached as Exhibit “B” to my Affidavit is a true copy of the raw data collected during the Period.

9. On or around February 17, 2022 the data collected by Phil James and Harry Gulioen was cross-referenced with the data attached to the February 4, 2022 affidavits of Trent Baur and Zexi Li and filed in Court file CV-22-00088514-00CP. Attached as Exhibit “C” to my Affidavit is a true copy of the February 4, 2022 Affidavit that was used by my team to cross-reference the noise data collected by Phil James and Harry Gulioen.

10. On February 17, 2022 Spatial Media, using the data collected and compiled as described above, created an interactive map showing the various sound levels in the area impacted by the Convoy during the Period (the “Interactive Map”). Attached as Exhibit “D” to my Affidavit is a true copy of the Interactive Map accessible via the following hyperlink: <https://caportal.ca/spatial/ottawa-truck-protest-noise-tool-legacy-2022-10-07>.

11. The Interactive Map also presents:

- a. air quality and road closures data for the Period compiled from publicly available sources such as a CBC report dated February 10, 2022 and attached hereto as Exhibit “E” to this affidavit;
- b. general information on truck vehicle and air horn decibel levels; and
- c. other relevant information accessory to the above.

12. The Interactive Map allowed users to report the impact of the protest by submitting pinpoints and comments. All comments were reviewed and corroborated by Spatial Media before appearing on the map.

13. The noise impact section of the Interactive Map can show, in different layers:

- a. Standard traffic noise during the day;
- b. Standard traffic noise during the night;
- c. The first week (January 30, 2022 to February 5, 2022) noise impact during the day;
- d. The first week noise impact during the night;

- e. The second week (February 6, 2022 to February 12, 2022) noise impact during the day; and
- f. The second week noise impact during the night.

14. The noise impact layers are based on an average of the data collected by Spatial Media as described above for the relevant period. It does not include user submissions. The standard noise show is based on the usual downtown traffic noise expected which is within the industry standard guidelines and meter of how noise is measured as seen in the interactive map.

15. During the Period, Spatial Media employees were taking 5 to 6 noise readings a day. The data was collected across and beyond the noise impact area. The noise level beyond the noise impact area was not significant and was therefore not included in the Interactive Map.

16. The map uses a color code to illustrate the different levels of noise impact. The code legend is part of the Interactive Map. The legend is the global industry standard used for communications around major infrastructure projects and a textual description automatically appears when a user hovers over a specific area. For instance, the Interactive Map shows that at daytime, during the first week of the Convoy protest, the noise level at the Wellington St. and O'Connor St. intersection was 110 decibels (dB), which is similar to the sound of a lawn mower.

17. To represent the City of Ottawa roads and buildings, the Interactive Map is based on Mapbox and OpenStreetMap software. These visually represent the underlying data collected by Spatial Media and use ArcGIS and QGIS to display the noise contours. Both softwares are reliable and have been used multiple times by Spatial Media for various projects. The GIS platforms are global industry standards and are used to create the contour mapping of current and projected environmental impacts including noise, air quality and flooding. The interactive mapping tool is used by federal governments when displaying Environmental Assessments of infrastructure projects.

18. The Interactive Map is an accurate and reliable visual representation of the underlying data.

19. The sole purpose of creating the Interactive Map was to demonstrate Spatial Media tools and help interested individuals visualize the impact of the Convoy on Ottawa residents.

20. The Interactive Map was not requested by nor created for any third-party. The data collected and its representation were always under the control of Spatial Media and never suffered from any outside influence.

21. I prepared the present affidavit for the Public Order Emergency Commission, at the request of Natalia Rodriguez, Senior Counsel for the Commission. I acknowledge that it is my duty to provide:

- a. evidence that is fair, objective and non-partisan;
- b. opinion evidence that is related only to matters that are within my area of expertise;
and
- c. such additional assistance as the Commission may reasonably require, to determine a matter in issue.

Affirmed remotely by Aaron Bernard)
stated as being located in the City of)
Toronto in the Province of Ontario on)
October 7, 2022 in accordance with O.)
Reg 431/20, Administering Oath or)
Declaration Remotely.)



A Commissioner for Taking Affidavits)
for the Province of Ontario)
Jean-Simon Schoenholz)



Aaron Bernard

This is Exhibit "A" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz



Aaron Bernard
Co-Founder, Creative Director
25 Years of Experience



OVERVIEW OF PROJECT ROLE

The role of the Creative Director is to provide client interface regarding specific creative needs and design direction, this also involves guiding the development team on project vision. A large component of this role is to work with engineering data to visually communicate solutions to internal/external stakeholders including the Minister's Office.

EDUCATION

Carnegie Mellon University, Pittsburgh – *Bachelor of Science and Arts*

1993 – 1996

University of Central Florida, Orlando - Film Independent Studies

1996 – 1998

Pittsburgh Filmmakers, Pittsburgh – *Associate of Fine Arts (AFA)*

1989 – 1993

PROJECT EXPERIENCE

Transport for NSW – Western Harbour Tunnel Project (Oct 2019 – Ongoing)

Aaron worked daily with the EIS team to design a user-friendly interactive engagement portal with integrated survey tool, noise footprints, content creation of video and images via interactive 3D touchscreens and developed a world-first Mixed Reality (using HoloLens) experience for community consultations.

Transport for NSW – Sydney Gateway Project (Sept 2019 – Ongoing)

Project managed internal and external teams. Aaron was responsible for delivering a complete visual communications suite for project announcement through bid tender award and site investigations for construction, including surveys, 3D visualization videos, interactive 3D model and comment mapping portal.

Via Nova – North East Link Project (Feb 2020 – March 2021)

Aaron provided oversight and creative direction on Via Nova's bid tender submission including the 3D visualizations and a state of the art bid tender portal designed for future stakeholder engagement with a series of questionnaire forms.

EMPLOYMENT HISTORY

Spatial Media Ltd., Toronto, ON – Creative Director

April 2014 – Present

- Co-founder, head of creative and client/project manager for over 300 multimedia productions including the largest infrastructure (Road, rail and airport) projects in the county. Sales, marketing and Community Analytics program architect to supply state of the art interactive community engagement experiences with focus on new technology.

Chorus Call, Sydney, AUS – Web-streaming, design and Infrastructure

May 2013 - April 2019

- Complete company re-branding & SEO including: Website/Photo design, logos and print. Helped create brand awareness through all social media avenues as well as creating first in class Web streaming experiences.

Urban Circus, Sydney, AUS – Entrepreneur-In-Residence

Feb 2011 – April 2013

- Head of video and 3D capture including Producing, Editing, HD Videography, Directing animations via unique 3D render engine. Multi project Director/ Producer for large government infrastructure projects

DVD Empire, Sydney, AUS – Lead Engineer

Jan 2008 – Jan 2010

- Head of Blu-ray / DVD production, HD transcoding and animation. Additional duties include company branding, commercial directing, editing, sound design, web layout/design, SEO/IT, and project management.

Tonerwoods Productions, LLC., Pittsburgh, PA – Managing Director

Jan 2004 – June 2008

- Head of Multi-Media production including Producing, Editing, HD Videography, Directing, Web + Logo Design. Direct client communication to ensure highest quality production with individual budget consideration.

Safe Drive Educational Technologies., Pittsburgh, PA – Managing Director

Jan 2004 – June 2008

- PA State certified classroom driving instructor. Lecture and state of the art Driving Simulator taught. Co-writer of teacher and student instruction manuals, program layout and simulator driving scenarios with Carnegie Institute.

EMPLOYMENT HISTORY

F.E.M.A. Recovery Channel - Emmitsburg, MD – Director/Senior editor

Aug 2005 – Mar 2006

- Working with the US Department of Homeland Security and the Federal Emergency Management Agency to create a first of its kind 24hr disaster relief educational TV channel to supply vital information to the publicly affected communities by the Katrina Hurricane. Edited and directed supplied content and studio news broadcasts.

NASA TV - Greenbelt, MD – Producer, Editor

July 2002 – Jan 2004

- Producer, editor and director of 3D visualizations for the rebrand and web content provider of US government approved content. Contract work also included videography and on site segment producing for educational and public service announcements.

IMPROV Comedy Traffic School – Florida, USA – Comic instructor, Content Creator

June 1998 – July 2002

- FL State certified driving instructor and comedian, performed for over 35,000 adults and teens. Taught and co-wrote Comedic Basic Driver Improvement and Traffic Law and Substance Abuse Education courses

Walt Disney World - Kissimmee, FL – Attraction Production

Dec 1999 – Sept 2001

- Production support throughout the Magic Kingdom, including coordinator with the Imagineering creative department. Created behind the scenes guest improvements, while maintaining and insuring the world class guest experiences.

Islands of Adventure – Orlando, FL – Ride Testing / Creative and Technical writing

Jan 1999 – Oct 2000

- Opening team member of Universal's "Islands of Adventure;" including script writing, attraction direction, graphic design and ride testing from construction through the opening of the park.

Universal Studios Florida – Orlando, FL – Entertainment / Ride & Show

July 1996 – Jan 1999

- Ride and Show designer, performer and trainer; performer in highest rated shows at Universal's Halloween Horror Nights as "Cosmo Kramer" and Robert DeNiro. Lead attraction direction and producing.

This is Exhibit "B" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz

221004_convoy_db_data_truck_noise

Map layer id	Map layername	daytime week 2 (dB)	night week 1 (dB)	night week 2 (dB)	daytime week 1 (dB)	location
058a474539c2c6b32e4cd3252e618805	downtown noise data	95	95	90	100	Bay and Queen
0af5728a36c0c743d6b820683e0f4ae4	downtown noise data	90	90	70	95	Colonel By and York
0bac3c5cf40b97de6739e84b74d3dee3	downtown noise data	90	90	85	95	Bay and Slater
0e6a41179d3fb885da8b6e06ecd8e10	downtown noise data	110	100	90	105	Kent and Slater
0f141c5563435117d2bfac98bc9cc209	downtown noise data	85	85	80	90	Wellington and Portage East
0fe5431853d6828830820cce05e5b8b5	downtown noise data	110	100	90	105	Wellington and War Memorial
10e4edeab433a7e87988fae92c0cc6d	downtown noise data	90	90	70	95	Sussex and York
10e5b68e9dead2034720f0ad96e3adbc	downtown noise data	85	85	80	90	Sussex and Murray
1318b6ce7df2794df93f04aca6fa536e	downtown noise data	110	120	110	130	Elgin and Wellington West
1938a7d9d32f89f81b202c98e618bee	downtown noise data	95	95	90	100	Bay and Albert
19dd5ce4b91dc582b95ca34b43daa673	downtown noise data	100	100	90	105	Sparks and O'Connor
1d4813ca23594b1e1ca861bf4420816b	downtown noise data	110	105	100	120	O'Connor and Queen
1e7607cef7e623d6c46da76d0a54a878	downtown noise data	100	100	90	105	O'Connor and Albert
1ea0742c5a48ea8e3992db0a781faa9	downtown noise data	100	100	90	105	Wellington and Kent
245f080841694f3cc71618f3235b730	downtown noise data	100	100	90	105	Bank and Sparks
250883ee214abd8bf977810b993ce6b	downtown noise data	90	90	70	95	Albert and Elgin
384bcb35fb990d47ba099c6d608cd7b	downtown noise data	110	110	100	120	Elgin and Wellington East
3ff1edab907c874feca8d79ec34175	downtown noise data	85	85	80	90	Wellington and Portage West
4403ce95fe8ec2a1cb0c0c046b68013d	downtown noise data	95	95	90	100	Lyon and Slater
4635edf8767675a281fee12719b045e	downtown noise data	100	100	90	105	Queen and Lyon
46389b75be213e896e713a88617abd8	downtown noise data	110	110	100	110	Albert and Kent
4942295a5113c70f60b478348a745caa	downtown noise data	100	100	80	105	Slater and Confederation Park North
4b2bd5b1435e44f429488ad693550e7d	downtown noise data	110	110	100	110	Kent and Queen
4b59cc977a85270b1b9b7233ec68a61a	downtown noise data	100	100	80	105	Slater and O'Connor
4c3f4c5780cfa3350b3400bc00e8ccc	downtown noise data	95	95	80	100	Kent and Albert
4c438341726b39d9dbed1c27a9ebcf10	downtown noise data	100	100	80	105	O'Connor and Albert
50673473b3b05ae430dd2f0ebbbe7928	downtown noise data	110	105	100	110	O'Connor and Sparks
539dc1c677718692fc575e377a05e4f0	downtown noise data	95	95	80	100	Metcalfe and Queen
5527855f7f490c292549368407d94b57	downtown noise data	95	95	80	100	Lyon and Albert
570693bd7da9534ce42dc4e7dc41cd60	downtown noise data	100	100	100	105	Sparks and Kent
5cd53b3b00a1a3c30532d5c3ab5da2b5	downtown noise data	100	100	80	105	Queen and Elgin
5e94856138788a1ca799c750e948b06e	downtown noise data	110	105	100	110	Sparks and Bank
66762c7566a384d97d71672c9155ea8e	downtown noise data	95	95	80	100	Queen and Lyon
6b4402e4a34396af0fddc71eb0b34c5d	downtown noise data	110	105	100	110	Wellington and Elgin West
6fdff15fb01026fb01c1940eb702d154	downtown noise data	90	90	70	95	George and Sussex
7211c8511a2d0153413011a21a7f7c3a	downtown noise data	90	90	80	95	Mackenzie King Bridge West
72bdf8c5710edbe0dfba584056a7a59	downtown noise data	90	90	80	95	Slater and Elgin
774ddc6d5626464d4e8a0238aa5dc98	downtown noise data	85	85	70	90	Pont du Portage South End
7a1d0e621bd4b14311e8f9756d514e6	downtown noise data	60	60	50	70	booth and war museum
7db107becc09c625e9e7c660847a5335	downtown noise data	95	95	80	100	Albert and O'Connor
82ba38d799e00336e22a94e27d4c8897	downtown noise data	95	95	60	100	Slater and Confederation Park South
85ef09c2a345c2d95a9028b5e39589e2	downtown noise data	95	95	60	100	Metcalfe and Slater
8aea2f6d99830db3425ef2937ec83a5a	downtown noise data	100	100	110	105	Metcalfe and Sparks
8c07c52201607e097f292e1dd7f24760	downtown noise data	90	90	70	95	Colonel By and Mackenzie King
940e0da49b96a1088b4f9f8d592c6dc7	downtown noise data	110	110	100	120	Wellington and Metcalfe
943a2494dfea67a8b58f3ebfb2eb76d1	downtown noise data	90	90	70	95	Queen and Kent
979c45d81982fe7bfc1ce8de9b7e12f	downtown noise data	95	95	90	100	Elgin and Slater
9a7b14e991a03504c47c414391a1a43	downtown noise data	100	100	90	105	Wellington and Bank
9be75a457440994968bc8563644a0908	downtown noise data	100	100	90	105	Queen and Metcalfe
a27797bb9f249229b7d9266a4d766438	downtown noise data	90	90	70	95	Sparks and Bay
a9097d407d3dbd72503674fea4447a2	downtown noise data	100	100	90	105	Wellington and Bay
ad5feeb432d7a57194b00b162273f115	downtown noise data	95	95	80	100	Sparks and Elgin
ae06914125b04391bbc53c27196d740e	downtown noise data	85	85	80	90	Slater and Lyon
afb145a7b703eb304dd9eba1e8e7be44	downtown noise data	85	85	80	90	Bank and Albert
b910d6e26f1dddf213aaba5f53d98eb	downtown noise data	100	100	80	105	Bank and Queen
ba65212a44db11b8e4a505b8e7d8892	downtown noise data	100	100	80	105	Slater and Bank
c3249464353b8f16e219aa4d049b5ff	downtown noise data	90	90	70	95	Bank and Slater
c3dfcfdc6824d103e6467f7f805b2a0	downtown noise data	95	95	80	100	Albert and Lyon
c6875a203c1b60e1ae0313c2ee2503f	downtown noise data	85	85	70	90	Wellington and Commissioner
cc4b16ecd1dd36ce670767f9612eef04	downtown noise data	100	100	80	105	Bay and Sparks
cd9df1b7c53c7d4a77b1daa64a8960c3	downtown noise data	100	100	80	105	Wellington and O'Connor
ce937babcd45340ef7f207c1b4a2a1	downtown noise data	95	95	80	100	Metcalfe and Albert
d0b625b60466118d87e30581de5a01d	downtown noise data	110	110	100	110	Slater and Metcalfe
d0fe292a5e18de472c8c0421d7aaa203	downtown noise data	100	100	80	105	Sparks and Metcalfe
d2fba350dd3d7cadd5b8c53cab0dad65	downtown noise data	60	60	50	70	Lett and Lebreton
d33a9af80481ee3026d7ed123f5fad	downtown noise data	110	110	100	120	Rideau and Colonel By
d4a4db811e7cc5c11558a6356551b6e6	downtown noise data	95	95	90	100	Rideau and Dalhousie
d8d4c1e390998b5053a110a8a20b4490	downtown noise data	110	110	100	120	Rideau Centre Entrance
d8f2d34dc5f397696a8fa19edadbe7dc	downtown noise data	95	95	90	100	Kent and Sparks
d9bde0f1c5f54a8107015e1e0c00fb5	downtown noise data	110	120	110	130	Albert and Metcalfe
de8856b517f2440f8d0e0595fa731df9	downtown noise data	100	100	90	105	Slater and Kent
df86006b97b23c817f4868e310483d8	downtown noise data	95	95	90	100	Queen and Bank
e15f966a4fcadbd12dae3344a12930f3	downtown noise data	85	85	80	90	Murray and Mackenzie
e6904e419a1bc109af31bba60e55404	downtown noise data	100	100	90	105	Lyon and Sparks
ee852dbcd42b91baa8ad5b95a0ff131d	downtown noise data	110	110	100	120	Albert and Bank
ee40020183c66a7368d8651b67046945	downtown noise data	90	90	70	95	Wellington and Chateau Laurier
f319c118ba868efa5092e666f043a99	downtown noise data	95	95	90	100	Queen and O'Connor
f68897e0fd26cdcd6f5f6dbaf617cbb4	downtown noise data	90	90	70	95	Colonel By and George
f4fe852e5c1ae5fb5496f602ebf3824	downtown noise data	110	110	100	120	Lyon and Wellington

This is Exhibit "C" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10,
JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15,
JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20,
JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25,
JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30,
JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35,
JOHN DOE 36, JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40,
JOHN DOE 41, JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45,
JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50,
JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55,
JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60**

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF ZEXI LI

I, ZEXI LI, of the City of Ottawa, in the Province of Ontario, AFFIRM:

1. I am the representative Plaintiff in this proposed class action and the moving party in this motion. As such, I have personal knowledge of the matters to which

I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. I reside in the Centretown neighbourhood in the heart of downtown Ottawa. I first moved to Ottawa to pursue my post-secondary education at the University of Ottawa in the fall of 2017. In the course of my studies, I fell in love with the city and, in particular, the vibrant, multi-cultural community in which I currently reside.
3. I am informed by my review of the Ottawa Neighbourhood Study undertaken by the University of Ottawa and do believe that the population of Centretown is in the range of approximately 28,000 residents. I would estimate based on that number that there are approximately 5,000 to 6,000 residents in the vicinity of where I live, within a six block radius of Parliament Hill.
4. Since Friday, January 28, 2022 I have been experiencing severe mental distress, suffering and torment as a result of persistent and loud honking from several large trucks which have been camped outside of my residence as a part of a so-called Freedom Convoy (the "Convoy"). I understand from media reports that the Convoy is comprised of people who have converged on Ottawa to express their political opposition to COVID-19 public health measures.
5. While some of the honking sounds are from regular sized motor vehicle horns, the loudest and most persistent honks have come from large transport trucks. Some of these trucks are equipped with horns which emit loud honking noises

typical of vehicles of their size. A number of the trucks are equipped with horns which are similar in tone and volume to train horns. The train horns are as loud if not louder than anything I have ever heard.

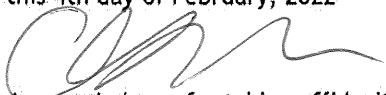
6. From within my apartment, I have been inundated with the sounds of honking horns, including train-type horns, from morning to night, sometimes as late as 1:30 am. With the exception of some short periods of reprieve late in the night, the sound feels like it's nearly constant.
7. I downloaded an application on my mobile phone called Decibel X which measures sound levels. When the sounds of honking horns are at their peak, Decibel X has recorded sound levels as high as 84 decibels within my apartment.
8. I cannot overstate the extent to which the honking horns are affecting me emotionally. My nerves are frayed. I can't sleep. I don't feel the usual sense of peace, safety and serenity which I usually feel when I'm at home. During the brief periods when the sound of honking horns subsides, I can't even enjoy the moment of relative quiet because I become riddled with anxious anticipation for the moment it will start up again. Waiting for the next honk is almost as unbearable as the sound of the horns.
9. I have not had a restful night's sleep since the Convoy descended on my community. The only way I can fall asleep and temporarily escape the noise is by playing music on external speakers at 70%-80% volume and inserting noise-cancelling earphones or earplugs into my ears.

10. I am scared to go outside but I do venture out when necessary. Before leaving my residence, I insert noise-cancelling headphones into my ears. Nonetheless, the sound of honking horns is almost unbearable. I can physically feel the noise vibrating inside my ears.
11. When I do get up the courage to leave my apartment, I am almost immediately subjected to heckling my members of the Convoy who yell at me to remove the mask I wear to protect myself and others from contracting COVID-19. If I ignore the heckles, members of the Convoy respond by honking their horns at me. In response to the horns being honked in such close proximity to me I almost invariably flinch, causing the members of the convoy to cheer loudly and laugh at my expense. I have never felt so unsafe or demoralized in my neighbourhood.
12. Since Friday January 28, 2022, I have contacted the Ottawa Police Service on approximately 14 occasions to complain about the noise and the distress it is causing me, either by phone or by approaching officers on the street near my home. In response to my calls for help I have either been told that there is nothing that can be done or that the officers on the ground will address the issue but the noise continues unabated. The fact that the police are apparently impotent to enforce basic order in my neighbourhood, in a context where I feel that I and others are being actively harmed, is making me even more anxious and fearful.

- 5 -

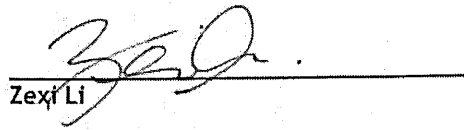
13. I love my community so much and am proud to live here. I am heartbroken by the trauma that is being inflicted on me and my neighbours and by being made to feel like a prisoner in my own home by people who claim to stand for freedom.
14. I make this affidavit in good faith and for no improper purpose.

SWORN before me remotely)
 in accordance with O. Reg 431/20)
 by videoconference between)
 Ottawa, ON (commissioner))
 and Ottawa, ON (affiant))
 this 4th day of February, 2022)



A commissioner for taking affidavits

Christine Johnson
Chang & Associates



Zexi Li

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10,
JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15,
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JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50,
JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55,
JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60**

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

**AFFIDAVIT OF TRENT BAUR
Affirmed February 4, 2022**

I, TRENT BAUR, of the City of Ottawa in the Province of Ontario, MAKE OATH AND SAY:

1. I am a resident of the City of Ottawa and, as such, have knowledge of the matters deposed to in this affidavit. Where my knowledge is based on information and belief, I have so stated the basis of such information and belief.

2. On the evening of Tuesday, February 1, 2022, I visited downtown Ottawa on foot to observe the “Freedom Convoy” demonstration first-hand. I was particularly interested in witnessing for myself the highly-publicized continuous and ongoing use of air horns and train horns as part of the demonstration. I also planned to measure the sound levels caused by the use of these horns.

3. Before attending at the demonstration, I downloaded and installed an application on my mobile phone called “NIOSH Sound Level Meter” (“NIOSH SLM”). It is my understanding that this application is produced by the United States National Institute for Occupational Safety and Health, and is meant to serve as a reliable and practical tool for measuring noise levels in workplaces and other noisy environments. I understand from information published by the US Centers for Disease Control and Prevention that the NIOSH SLM app has been tested and validated according to established acoustic standards. Information concerning the specifications and use of the app may be accessed at: <https://www.cdc.gov/niosh/topics/noise/app.html> and <https://www.cdc.gov/niosh/topics/noise/pdfs/NIOSH-Sound-Level-Meter-Application-app-English.pdf>.

4. When I arrived downtown, I found many of the streets were lined with semi-trailer-tractor trucks and the sound of horns was constant from all directions. I made video recordings and also took screen-captures of the readings measured by the NIOSH SLM app from various locations.

5. I made my first measurement using the NIOSH SLM app near the intersection of Laurier Avenue and Kent Street at 6:20PM. The noise would come in waves, subsiding for only a few minutes before starting again. At this location, the NIOSH SLM app indicated that the sound levels were over 100 decibels at the loudest points.

6. At Parliament Hill, trucks lined the street and the sound of the horns was constant. The NIOSH SLM app indicated that near Parliament Hill, the sound levels

were approximately 105 decibels at 6:38PM. I could only tolerate this level of noise for a few minutes.

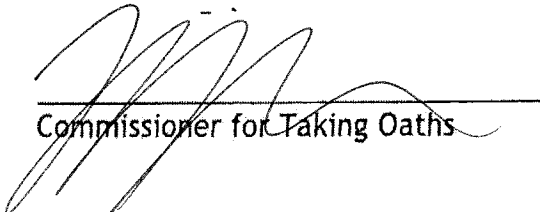
7. Later, while walking west on Albert Street towards Bank Street around 6:47PM, the NIOSH SLM app indicated that decibel levels in this area were steadily in the mid-80s. However, when a truck next to me suddenly blasted its horn, the NIOSH SLM app registered a noise level of 121 decibels. I was so startled by this noise that I jumped back, and found the noise hurt my ears. It is my understanding that even brief exposures to noise levels of 120 decibels and above can cause hearing damage.

8. Near the intersection of Bank and Slater streets around 6:50PM, I encountered a truck that was equipped with a train horn parked directly opposite from a residential apartment building. The NIOSH SLM app registered a continuous noise level of 105 decibels as the driver sounded the train horn for a lengthy period.

9. As I left the demonstration area, I could still hear the sound of blaring horns clearly and loudly from several blocks away.

10. I make this affidavit in support of the plaintiff's emergency motion for injunctive relief and for no improper purpose.

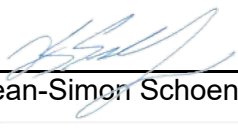
AFFIRMED BEFORE ME REMOTELY)
 In accordance with O. Reg. 431/20)
 by videoconference between)
 Ottawa, ON (affiant) and)
 Ottawa, ON (commissioner))
 this 4th day of February, 2022.)


 Commissioner for Taking Oaths



TRENT BAUR

This is Exhibit "D" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz

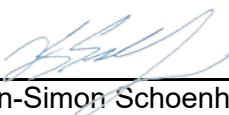
Exhibit D

Interactive Map accessible via the following hyperlink:

<https://caportal.ca/spatial/ottawa-truck-protest-noise-tool-legacy-2022-10-07>

This is Exhibit "E" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

Type text here



Jean-Simon Schoenholz

Politics

Protesters' idling trucks are making downtown Ottawa's air quality worse

Measurements of one air pollutant hit a level more than 14 times higher than the average for Ottawa

[Sarah Sears](#) · CBC News · Posted: Feb 10, 2022 4:00 AM ET | Last Updated: February 10



Dozens of trucks have been idling in downtown Ottawa for nearly two weeks as demonstrations against pandemic measures continue. (Mike Cole/CBC News)

Fumes from anti-vaccine mandate protesters' trucks and smoke from their barbecues and campfires is damaging air quality in downtown Ottawa.

Local resident Bonnie Charette said she wears a mask outside downtown — partly as a COVID-19 precaution and partly because of what she calls the "stench" in the air.

"The smell is disgusting," she said.

Abby Donald, who lives in an area where trucks line the streets, agrees.

- [Anti-vaccine mandate protests spread across the country, crippling Canada-U.S. trade](#)
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"I hate breathing it in," she said. "I walk into my apartment and I smell like it."

Paul Villeneuve, an environmental epidemiologist at Carleton University, said diesel engine emissions contain a number of harmful substances.

"Those include things like arsenic, formaldehyde, benzene, and many of these have been shown to cause cancer and affect the cardiorespiratory system," he said.

Diesel emissions contain known pollutants like nitrogen dioxide (NO₂) — which can irritate the nose and throat — and fine particulate matter known as PM 2.5.

WATCH: Particles in diesel fumes can cause cancer, expert says





Particles in diesel fumes can cause cancer, expert says

8 months ago | 0:18

Carleton University epidemiologist Paul Villeneuve describes some of the hazardous materials found in diesel emissions.

'Noxious pollutant'

"PM 2.5 is is a noxious pollutant," said Douw Steyn, an atmospheric science expert and professor emeritus of air pollution meteorology at the University of British Columbia.

"Particles of that size tend to lodge deep inside your lungs ... and ultimately, with long term inhalation, can produce serious health effects."

Experts suggest that, in the short term, exposure to elevated levels of these particles can aggravate respiratory conditions like asthma.

WATCH: 'That is a well polluted atmosphere,' expert says



'That is a well polluted atmosphere,' expert says

Atmospheric science expert Douw Steyn reacts to the elevated air pollution levels CBC News recorded in downtown Ottawa.

Ontario's Ministry of the Environment, Conservation and Parks releases hourly readings for those fine particles and other pollutants taken at 39 ambient air monitoring testing stations provincewide. The downtown Ottawa monitoring location is about two kilometres from the Parliamentary precinct, where hundreds of vehicles are parked and idling.

The station's publicly-available readings show slightly elevated concentrations of pollutants compared to before the protest. Villeneuve said the average PM 2.5 reading for Ottawa is six micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Two volunteer-run projects — one operated by the Sierra Club Canada — regularly sample air quality across Ottawa. Monitoring is suspended during the protest for safety reasons, but CBC News borrowed one of the monitors' devices to gather air quality data. The devices test for several pollutant particles, including PM 2.5.

- [**Governor General Mary Simon tests positive for COVID-19**](#)

CBC News took various air quality measures around the downtown core near where trucks and other vehicles were parked and idling. Measurements for PM 2.5 ranged from four to eight times higher than normal for the area.

Those readings are much higher than those typically seen across Canada.

"The annual average for Canadian citizens is around eight micrograms per metre cubed," said Villeneuve. "When we start to see concentrations that are above 50 micrograms per metre cubed, those are particularly harmful."

The highest reading was taken at Laurier Ave. West, between Bank St. and Kent St. — an area with a mixture of high-rise buildings where there were no idling vehicles along the street.

The 'urban canyon' effect

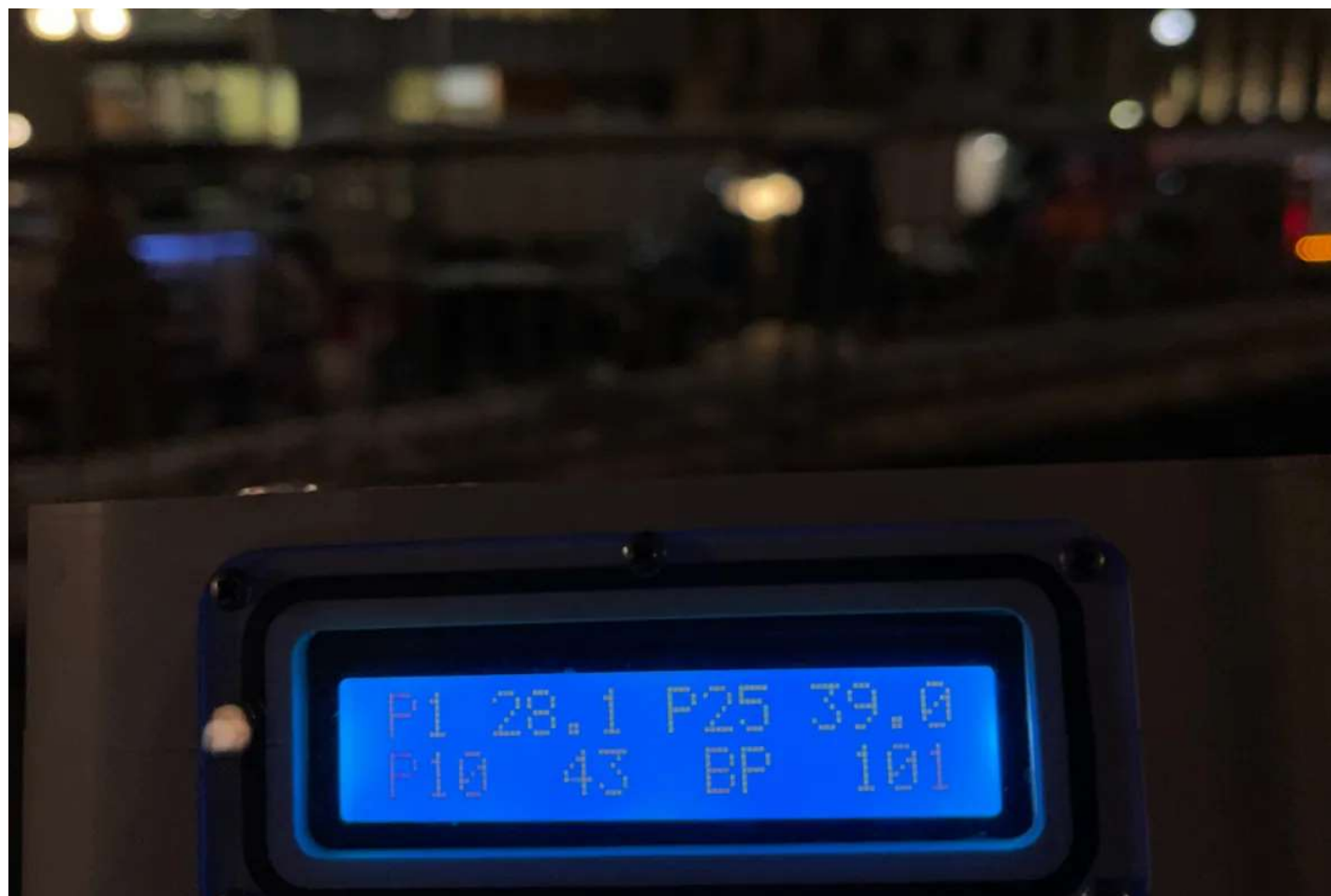
Steyn said pollutants could be pooling in that area because of what he called an "urban canyon" effect.

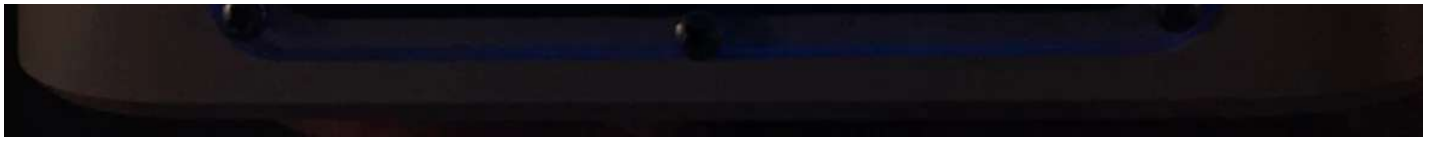
"Unless there is very high wind, the pollutants are going to be trapped there," he said. "And of course, that is where people live and move and breathe."

Many factors can influence air quality, including cloud cover, wind and temperature. On the day CBC News took the readings, there was heavy cloud cover and low winds in downtown Ottawa, with a high of -2°C. Those atmospheric factors can cause atmospheric pollutants to linger at higher concentrations in a certain area.

Environment and Climate Change Canada estimates air pollution contributes to 15,000 premature deaths each year.

Jake Cole is a volunteer who led the Sierra Club's Breathe Easy Project. He said the highest PM 2.5 reading he's seen downtown was around 25 $\mu\text{g}/\text{m}^3$ — nowhere near as high as the readings CBC registered using the same device. Cole said the elevated PM 2.5 readings suggest an increased presence of other air pollutants.





An air quality meter shows elevated pollution levels on Parliament Hill on February 7, 2022. (Sarah Sears/CBC News)

Measurements gathered by CBC ranged from among the highest Cole has ever seen before the current protests — 25.9 $\mu\text{g}/\text{m}^3$ along the Sparks Street pedestrian mall — to 76.0 $\mu\text{g}/\text{m}^3$ at the corner of Wellington and Elgin, where trucks lined the street. The highest reading was 86.4 $\mu\text{g}/\text{m}^3$ — more than 14 times higher than the average for Ottawa.

Cole warns that even limiting time outside won't protect residents from the polluted air.

"It doesn't take long before that outside air can permeate," said Cole. "So all the indoor air in that area would probably be the same ... level of contaminated air."

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